DOCUMENT RESUME

ED 260 793 PS 015 256

| | |
|---|---|
| AUTHOR | Orr, Sally; Haskett, George |
| TITLE | Parental Leave: Options for Working Parents. A Report of a Conference Sponsored by the Association of Junior Leagues (March 1985). |
| INSTITUTION | Association of Junior Leagues, Inc., New York, NY. |
| PUB DATE | Mar 85 |
| NOTE | 20p. |
| AVAILABLE FROM | Association of Junior Leagues, Inc., 825 Third Avenue, New York, NY 10022 ($3.50; 10 or more copies, $3.00 each). |
| PUB TYPE | Collected Works - Conference Proceedings (021) |
| EDRS PRICE | MF01/PC01 Plus Postage. |
| DESCRIPTORS | *Employed Women; Employee Attitudes; Employer Attitudes; *Federal Legislation; *Fringe Benefits; Health Insurance; Insurance; Legal Problems; *Public Policy; State Legislation; Unions |
| IDENTIFIERS | *Maternity Benefits; *Parental Leave |

ABSTRACT

This conference report addresses the issue of parental leave, particularly maternity leave at childbirth and parenting leaves for fathers and mothers after childbirth. Growing interest in this area is attributed to the dramatic change over the past 10 years in the labor force behavior of women. Currently existing national and employer policies for maternity leaves and disability and sickness insurance are reviewed, as well as laws in other countries and five U.S. states. Conference participants adopted a policy statement involving a rationale and a proposed list of strategies for acting on children's issues after discussing potential solutions. Summaries of presentations are included for the following topics: "Medical/Psychiatric and Child Development Perspective," "Employees' Experiences," "Employer and Union Experiences," "Public Provision of Benefits," "The Catalyst Study," "Legal Issues," and "Proposed Federal Legislation." A chart comparing the non-occupational disability laws of five states (California, Hawaii, New Jersey, New York, and Rhode Island) is also provided. (DST)

**********
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
**********

# PARENTAL LEAVE

*Options for Working Parents*

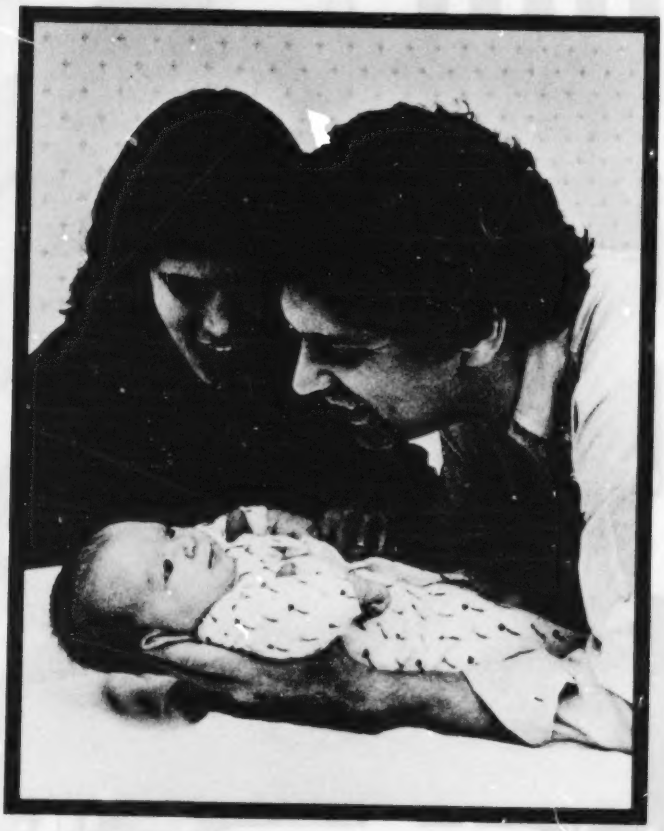
ED260793

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☒ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.



"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

George T. Haskett

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

PS 015256

*A Report of a Conference Sponsored by the Association of Junior Leagues, March 1985*

# Table of Contents


| | |
|---|---|
| Introduction | 1 |
| Parental Leave Policies: An Overview | 2 |
| Medical/Psychiatric and Child Development Perspective | 4 |
| Employees' Experiences | 6 |
| Employer and Union Experiences | 8 |
| Public Provision of Benefits | 10 |
| The Catalyst Study | 12 |
| Legal Issues | 13 |
| Proposed Federal Legislation | 15 |
| Agenda for Action | 16 |


The Association of Junior Leagues is an international women's volunteer organization with 251 member Leagues in the United States, representing approximately 160,000 individual members. Junior Leagues promote the solution of community problems through voluntary citizen involvement. They train their members to be effective voluntary participants in their communities.

In 1983–84 Junior Leagues worked to improve their communities through more than 2000 projects in 102 different subject categories, including child welfare, family services, health, education, urban revitalization, the arts and the environment.


This report was written by Sally Orr, Director of Public Policy, and George Haskett, Public Policy Analyst, Association of Junior Leagues.

Cover Photos: family, Brad Hess, background, Freda Leinwand/Monkmeyer Press

Design: Melanie Roher Design, Inc.

Publication of this report was made possible in part by a grant from Johnson and Johnson Baby Products Company.



© Copyright 1985 by the Association of Junior Leagues, Inc.

# Introduction

The Association of Junior Leagues convened the conference "Parental Leave: Options for Working Parents" to provide a forum for discussion on expanding parental leave policies in the United States.

The United States is the only major industrialized nation without a national policy covering maternity or parental leave. By contrast, more than 100 other countries have legislated coverage for working women which allows mothers to leave work at childbirth without losing their jobs. In some countries fathers are also eligible for parental leave.

Taking into consideration the changing work force in the United States, the implications of this lack of policy become apparent. More than 60 percent of American mothers are now in the work force; the fastest-growing segment of this group is composed of women with children under age three. Since the enactment of the Pregnancy Discrimination Act of 1978, employers who provide temporary disability insurance to employees must cover pregnancy and childbirth as any other disability. However, the Federal government does not require employers to provide disability insurance. Furthermore, only five states now have mandatory temporary disability insurance (TDI) programs.

The Pregnancy Discrimination Act only applies to employers with fifteen or more employees. Since many American women work in small businesses, only about 40 percent receive some type of benefits at childbirth. Authorities are in general agreement that the six to eight weeks generally allowed at this time are not sufficient for many parents to adequately launch their families. In addition, no policy exists to encourage fathers to take a leave of absence, nor do current policies address the parenting concerns of families with newly-adopted children.

The 45 participants at the Conference included representatives from the academic, governmental, business and labor communities as well as the Association of Junior Leagues. The Agenda for Action they drafted after two days of deliberations will serve as a basis for future public policy actions by the Association. The Agenda addresses the need to develop policies that provide paid disability leaves for mothers at childbirth and enable parents of newborn infants and newly-adopted children to take job-protected leaves with some income protection.

The Association's interest in parental leave is consistent with its active support for child care legislation at the local, state and national level.

# Parental Leave Policies: An Overview

**Sheila B. Kamerman, D.S.W.**
**Alfred J. Kahn, D.S.W.**
*Professors of Social Policy and Planning, Columbia University School of Social Work*

Today, the issue of parental leave has become a "hot" topic, with widespread interest in maternity leaves at childbirth and parenting leaves for fathers and mothers after childbirth, according to Dr. Kamerman.

## Reasons for Attention to the Issue

Dr. Kamerman attributed much of this growing interest, which has increased dramatically over the past ten years, to the substantial change in the labor force behavior of women. Today, 80 percent of women in the work force are of childbearing age; 93 percent of these women will become pregnant during their working lives. Thus, three out of four working women will experience a pregnancy at some point in their working lives.

The majority of working women now continue to work through their pregnancies. Forty-seven percent return to work within one year of childbirth; more than half return to work before their children reach age two. Between 1975 and 1985, the percentage of working mothers with children less than one year old increased from 31 percent to 47 percent—an increase of more than 50 percent in the last decade. Despite these changes, good child care for infants and very young children is expensive and hard to find, reported Dr. Kamerman.

"The issue of parental leaves is critically important because many more women are working while pregnant and returning to work soon after childbirth," she said. "Women's jobs are important to family income, but infant care is very inadequate, and very expensive. Furthermore, protective legislation is limited."

## What Policies Exist

Dr. Kamerman pointed out that while the terms "maternity" and "paternity" policy are frequently used, Federal law requires gender-neutral policies. Therefore, the term "parenting" policy is gaining greater currency. There is also an increasing tendency for policies regarding physical incapacity during pregnancy and at the time of childbirth to be referred to as "disability" or "sickness" policies.

Regardless of terminology, said Dr. Kamerman, the ultimate concern is the availability of paid and unpaid leaves at, and following, childbirth. She described four ways in which paid leaves are currently provided:

- payment through public disability insurance benefits i.e., benefits required by state law in five states and Puerto Rico (see Chart on page 11).
- payment through private disability insurance
- payment through salary continuation plans
- payment through sickness benefits (and sometimes vacation benefits).

When paid leaves are not made available, employees are sometimes given unpaid job-protected leaves at the time of childbirth.

An important component of any parental leave policy is health insurance and coverage of medical costs during pregnancy. "Packaging these policies is essential if a woman is to have adequate protection at childbirth and not be penalized either financially or in relation to her job," according to Dr. Kamerman. Essential elements in an employer's policies are health insurance, job-protected leaves and some form of income replacement, she said.

## Who Has Benefits?

"Unlike more than 100 other countries around the world, including some developing countries, the United States has no Federal law which gives working women the right to take a leave from work for a specified period of time at childbirth," said Dr. Kamerman. "Furthermore, the majority of working women in the United States are not guaranteed the same job or a comparable one on their return to work, nor is there a law that mandates some type of income replacement for women who are on leave."

Columbia University's research on the availability of leaves provided by employers (*Maternity Policies and Working Women* by Kamerman, Kahn and Kingston, Columbia University Press, 1983) shows that only about 40 percent of working women are entitled to a paid leave permitting them the six to eight weeks absence from work recommended by most obstetricians. Hence, 60 percent of working women must depend on vacation time, paid sick leave, or no paid time off at all.

Laws exist in five states—California, Hawaii, New Jersey, New York, and Rhode Island—and Puerto Rico which provide Temporary Disability Insurance (TDI) programs covering pregnancy as any other disability;

benefits vary from a maximum of $145 in New York to $224 in California. By contrast, the average European working woman is entitled to six months of paid leave; in many cases, she can take an additional unpaid leave, and her leave involves job, pension and seniority guarantees. A number of European countries also permit the father to share that part of the leave which follows the period of the mother's disability at childbirth (a parenting leave). "If this is possible in these countries, what might be possible in this country?" Dr. Kamerman asked.

## Potential Solutions

Dr. Kahn reviewed the recent history of social policy around children's issues. He stated that when one considers the issues of parental leave, child care, family policy and the appropriate role of government, it is quickly apparent that these issues touch on many of the major value conflicts of American society, e.g., the changing roles of women, the relationship of government to family and approaches to childrearing. In addition to value conflicts, he said, policymakers also have to deal with issues of knowledge, law and priorities.

Dr. Kahn expressed optimism about the potential for reaching a consensus on solutions if Conference participants could agree on a set of priorities. His number one priority is for every woman in the labor force to have at least a minumum of six to eight weeks to stay home and recover physically after she gives birth to a child. If it were possible to ensure that not 40 but 70, or 80 or 90 percent of American working women would receive such paid leaves, he said, there might be fewer infants under two and three months of age placed in day care. The United States is the only major industrialized country with a high incidence of very young infants—under six months of age—in child care, much of it poor quality, according to Dr. Kahn.

A second priority he identified is to make it possible for a greater number of parents to opt for a longer period of time at home without job loss. This would permit parents to get a good start at parenting even if this leave is unpaid, although a paid parental leave, however brief, would be more desirable, he said.

Dr. Kahn then discussed different methods of achieving paid leaves, stating that his own preference—given the current political environment—is to begin by extending TDI programs beyond the five states which already have them.

He offered four reasons for supporting this extension: 1) The program is inexpensive; several states have had surpluses in their TDI funds in recent years. 2) While not a generous benefit, TDI can make a significant difference to low- or moderate-income parents. 3) Once a state has TDI, industry can work out ways of integrating its benefits—e.g., sick leave, vacation and parenting leave—with state requirements; the end result for many employees could be a benefit covering full wage replacement for the disability period as well as a supplementary, unpaid, job-protected leave. 4) The TDI approach is the most viable one for small employers, and any policy change must be practical for this group.

Because of labor force changes, parental leave is an issue "whose time is now," said Dr. Kahn. "The large number of parents in the labor force obviously has a stake in parental leave policies. There is also an increasing recognition that society has a stake in parenting and in creating policies that help families." Someday, Dr. Kahn added, "this society will become more interested in having children and helping them develop, and we may be beginning to approach that period." He predicted that national policymakers would discover that "if you cannot freeze societal change, you really can't freeze social policy. Parental leave will continue to be discussed until something is done about it."

Three out of four working women will experience a pregnancy at some point in their working lives.

# Medical/Psychiatric and Child Development Perspective

**Edward F. Zigler, Ph.D.**
*Director, Yale Bush Center in Child Development and Social Policy; Yale University*
**T. Berry Brazelton, M.D.**
*Associate Professor of Pediatrics, Harvard Medical School*

Dr. Zigler began his presentation by referring to the same demographic changes discussed earlier by Drs. Kamerman and Kahn, stating that he essentially agrees with them. "There is no question that demographics drive social policy. We have to know the numbers and what they mean for individuals," he said. Dr. Zigler predicted that by 1990, 67 percent of women in their prime childbearing years—25 to 34—will be participants in the out-of-home work force. More than 80 percent of working women will become pregnant during their working lives. Forty-seven percent of the mothers of children under one are now employed; this is double the percentage of those working in 1970.

Because of such demographic changes, infant day care is the fastest growing type of out-of-home child care in the United States, reported Dr. Zigler. Consequently, a brand new social phenomenon has developed—a rising number of very young children in day care centers and family day care homes.

"I honestly did not think that I would ever live to see this phenomenon," said Dr. Zigler, observing that it is now quite common to see three-week-old babies, six-week-old babies and two-month-old babies in out-of-home care.

The effects of infant day care are the subject of wide debate, a debate which centers on whether such care is detrimental to the growth and development of babies. Dr. Zigler provided a brief review of the literature on both sides of the issue, noting that there is a general consensus that infant day care presents a relatively benign picture in the United States. However, he maintained, that picture gives some cause for concern because much of the research was conducted at good, university-based centers which are carefully monitored and research-oriented. "These studies simply don't represent the kind of infant day care we are seeing in this country."

Another question raised by infant day care research is that much of it tends to look at short-term rather than long-term effects. "We look at babies when they are one or two and ask whether day care is harmful," said Dr. Zigler. "We should be looking at children when they are four, six or ten to determine the long-term effects of child care."

Dr. Zigler reported on a recent reanalysis of all of the early research on infant care. It went beyond the usual questions to ask specifically what kind of care has what effects on what kind of infant. "The studies continue to show what my grandmother could have told you: that children do well in good care and poorly in bad day care," stated Dr. Zigler.

He suggested that it is important to know more about the quality of infant care in the United States. Since most of such care is provided in private homes, parents looking for care are engaged in a "gigantic crap shoot," he said. A recent state-by-state analysis of what is legally permissible in infant child care found a low level of licensing requirements in many states. In some states, for example, a seventeen-year-old high school dropout can legally care for eight infants even though he or she has no training, and has not been examined for communicable diseases.

## Child Care Leaves

Dr. Zigler identified a number of reasons why child care leave should be made available: 1) It is better for the health of the mother. 2) Having a child is a major transition point for the whole family; providing leaves diminishes accompanying stress. 3) Home care is better for the health of the baby, helping to prevent infectious diseases. 4) Bonding of the newborn and the mother occurs more readily.

Dr. Zigler said he views infant care leaves as a very reasonable social objective. "Given the fact that most parents spend 40 years each in the labor force and have two children during that time, I don't think it is unreasonable to suggest that there be two six-month periods for a mother and a father to be away from the job."

## Conflicting Responsibilities

Dr. Brazelton stated that women today are torn between their responsibilities as mothers and their responsibilities and desires with respect to their employment. He said men are beginning to experience the same problems.

He expressed serious reservations about the character of most of the research which has been done on the impact of infant care, asserting that most studies are biased and incapable of suggesting a clear direction. One problem, he said, is that most of these studies focus on cognitive development. More important, he believes, are the psychological, emotional and motivational effects of out-of-home child care.

"This country faces a real challenge because by the time they are eighteen years old, almost 60 percent of all children in the United States today will have spent a significant part of their lives in a single parent family," said Dr. Brazelton. Half of the families constituted in the 1970's will break up in the 1980's, a fact which he regards as a serious threat to American society. "What does this mean to children, and what does this mean to the ability of these families to be successful?"

## What Should Be Done?

Dr. Brazelton described the impact of family breakup on individual family systems. From his own research, he said he is able to predict with a great deal of accuracy the time when a single parent or a working mother will begin to have problems with her young children in the areas of sleeping, feeding or autonomy. When a young mother is torn away from her baby too soon, he said, problems naturally result. "If we can predict with that kind of accuracy, can't we also prevent?"

Discussing some of his research, particularly a study of teenage mothers conducted at Harvard, Dr. Brazelton described different pediatric approaches to ensure that mothers receive the help they need to be good parents. In his view, there are times when it is critical for mothers to receive help and assistance. "It is especially important that parents today give their babies a good self-image. We as a society should also be doing all we can to give the parents a good self-image," he said. Developing a good self-image is a demanding challenge for parents who are divided between their desires to be competent in the workplace and nurturing at home, he added.

Dr. Brazelton also reviewed his research on mother/baby attachment. His research has convinced him that it is absolutely critical—both to the development of the baby and to the development of the parent as a nurturer—for the two to have at least four months together. "Our statistics tell us that we have endangered the attachment relationships of mothers with their babies," he said. Showing a short film on mother-baby attachment, he added, "I hope you can see this is worth fighting for."

## Giving Up Baby Too Soon?

Dr. Brazelton believes that early separation from a baby may cause a grief reaction which could add to any postpartum depression that exists in a mother. This reaction would be expressed in self-blame and include feelings of helplessness, hopelessness, inadequacy and inability to cope. Dr. Brazelton believes early separation will also cause a mother to set up three defense mechanisms critical to her survival. The first is a denial or a distortion of the importance of the change in her life. The second is a projection; for example, she might blame a day care center or family child care providers for any problems. The third defense mechanism is detachment; for example, mothers may say, "I need to work, I have to work, the baby doesn't miss me, I don't miss the baby, etc."

Dr. Brazelton acknowledged that not all parents will be able or willing to stay home with their babies for the first four months. In his view, this fact makes it all the more critical that day care centers be required to have child:staff ratios that are no more than three to one. "We can't afford ratios any greater than that," he contended.

He closed his remarks with a saying from the Mayan culture in southern Mexico: "'In the newborn baby is the future of the world. The mother should hold that baby close so he knows the world is his. A father should take that baby to the highest hill so he knows how wide and wonderful his world is.' In my view, that's where we have to go," said Dr. Brazelton.

**Women today are torn between their responsibilities as mothers and their responsibilities to their jobs.**

# Employees' Experiences

**Cindy Johnson**
*Directory Assistance Operator, New York Telephone Company*
**Nancy Reardon**
*Manager, Corporate Human Resources, Avon Products, Inc.*
**Joseph H. Pleck, Ph.D.**
*Director of Male Roles Program, Wellesley College Center for Research on Women*

All three panelists agreed that new mothers need flexible time schedules to readjust to the work force after taking time off for childbirth. They also agreed that it is difficult to make the transition back to work after a long absence.

## Parental Leave at NY Telephone

In describing her experiences as a new parent, Ms. Johnson, a directory assistance operator with New York Telephone, said Drs. Kamerman and Kahn "could have been telling my life story." She added that the presentations by Drs. Brazelton and Zigler also reflected her experiences. "Child care is a headache for me every day."

Ms. Johnson left work three weeks before her son was born and returned when he was four months old. Although she could have remained on unpaid leave for a longer period of time, she returned for several reasons—financial, a need for companionship and a desire to retain her seniority.

Ms. Johnson outlined the New York Telephone Company's leave policy. In 1979, the company adopted a policy allowing a female employee to take an unpaid leave with job guarantee at any time during her pregnancy. When the baby is born, the leave becomes a paid disability leave. The amount of pay depends on the employee's wage and the length of time the employee has been with the company. The company's medical department generally allows a paid disability leave of four weeks for normal deliveries and six weeks for Caesarean. This leave can be extended to 52 weeks at the discretion of the medical department.

Once the disability period is completed, new parents —either mother or father—may take an unpaid leave of six months which guarantees a job of equal status and equal pay on return to work. This leave is also available to parents who adopt a child up to six months of age. It may also be extended to one year, but there is no job guarantee after the first six months. Seniority rights are protected throughout the disability leave, but not through the unpaid leave. This is the main reason Ms. Johnson returned to work. She and her husband, a police sergeant, balance their shifts so that they can share child care with a minimum of outside help. The arrangement would not be possible if Ms. Johnson did not have some choice of shifts.

*In my particular case, I am number 84 out of 100; . . . I rarely get my first choice of hours. I can work with my second choice of hours. If I had to go into my third choice of hours, I'd be up a creek as far as child care is concerned. Going back when I did enabled me to stay ahead of the person right below me by one week.*

Since New York Telephone stopped hiring operators seven years ago, there is little likelihood that Ms. Johnson's seniority will improve. For this reason, she probably will have only one child. As she explained it: "To keep my seniority, I would have to go back when my child was seven weeks old in order not to lose any time."

## The Needs of Managers

Ms. Reardon stressed the need for employees and managers to develop plans for the handling of work during an employee's leave. She also asserted that companies need to develop more creative employment options for employees interested in working on a part-time basis, e.g., flextime, part-time, shared jobs, phased-in returns. Reviewing her own experience, Ms. Reardon reported that she left work one day and called her employer the next to announce the birth of a son. The following day, her employer arranged a lengthy conference call with her co-workers so that her work could be divided up. "A couple of my colleagues basically covered my area while I was out," she reported. Throughout the seven-and-a-half weeks that she was at home on disability leave, her secretary forwarded her mail and telexes daily. Within two months of the birth of her son, Ms. Reardon was back at work full-time. She found the lack of a transition particularly difficult, she said.

"Child care is a headache for me every day."

Avon, Ms. Reardon's current employer, allows up to four weeks leave before a birth and six weeks after delivery, for a normal birth. At General Electric, where Ms. Reardon worked at the time her child was born, disability coverage does not include a recommended period before birth, but allows up to eight weeks for a normal birth with a return to the same job. Leaves are granted with full pay to the extent that an employee has accrued sick time. After that, employees receive the amount of payment allowed under New York's TDI program.

At both Avon and General Electric, reported Ms. Reardon, vacation time can be used to extend the disability period. Avon grants up to four weeks prior to birth and six weeks after a normal birth; this is followed by three months of unpaid leave with a job guarantee and full benefits. The unpaid leave can be extended for another three months, but there is no job guarantee for the extension. General Electric will also consider granting an extended child care leave based on the same criteria as personal leave.

Ms. Reardon emphasized that it is difficult for women and men to take a leave of more than three to six months and keep current with their work. In her opinion, this is as true for the employee of a big firm as it is for the employee of a small firm.

## Leave for Fathers

At both companies, unpaid parental leave is available to fathers. But to Ms. Reardon's knowledge, no one asked for the leave at General Electric. Although two fathers inquired about leave at Avon last year, there was no follow-up on the inquiries. However, many fathers at both firms took several days off at the birth of their children.

Dr. Pleck confirmed these observations. He noted that long-term paid leave for new fathers is very rare. "Long-term paid birth leave for fathers is not going to happen in my lifetime," he said, adding that he is optimistic that two other kinds of leave for fathers—short-term paid leave and unpaid leave—will be developed.

No definitive data are available, but it appears that fathers utilize short-term paid leaves at a much higher rate than they use long-term leaves, said Dr. Pleck. As he sees it, making this kind of leave more available is one of the "real frontiers of future change in paternity leave."

There is no way of estimating the proportion of employed fathers who have the right to take an unpaid leave, or the proportion of those who are eligible who actually use it. But, said Dr. Pleck, "it is remarkable how hard some fathers will struggle for the right to an unpaid leave." And he reported that both unions and state governments are now indicating an interest in getting employers to offer a period of unpaid leave.

The low utilization of leave by fathers in many cases undercuts the rationale for it, according to Dr. Pleck. He noted that paternity leave is most likely to be offered in areas where demand for employees exceeds the supply; leaves are not likely to be offered in a time of labor surplus.

Because leaves have become so rooted in the question of disability, it is hard to address the issue of parental leaves, said Dr. Pleck. To become more involved in parenting, he believes, fathers need motivational and parenting skills as well as social supports from accommodating institutions. In his view, the majority of men are not ready to take long-term leave. But "there is an emerging minority who want it and are willing to fight for it."

Companies need to develop more creative options for employees interested in working on a part-time basis.

# Employer and Union Experiences

**Susan Rizzo**
*Assistant Vice President,*
*Personnel Policy Development, Citicorp*
**Barry Schlossberg**
*Director of Personnel, Murry's Steak Company*
**Barbara Haas**
*President, Pension Parameters*
**Donna Dolan**
*Director of Civil Service Division,*
*Communications Workers of America*

These panelists represented large, medium and small employers, and the union point of view. Ms. Rizzo began by describing the parental leave policies at Citibank, where there are four types of leave. The first, maternity disability leave, is broken down into anticipated disability leave and regular disability leave. The former is available for up to four weeks; the latter is available for eight to ten weeks, unless an employee is certified as disabled for a longer period. Both are job-guaranteed, i.e., the same or a comparable job is available when the employee returns to work.

Payments for disabled leave are based on the number of sick days an employee has accumulated. If the employee does not have sufficient sick days, she can receive New York TDI.

## Policies at Citibank

The other types of parental leaves available at Citibank are a child care leave of up to four weeks (unpaid), a long-term leave of up to two years (unpaid), emergency days of up to four days per experience (paid) and personal days (paid).

Ms. Rizzo also discussed other policies and programs which support parents at Citibank. She reported that the bank has a staff advisory service which provides counseling on work and family issues. Its goal is to help parents clarify options, identify resources and develop the skills needed to maintain a balance between work and family life. This balance is perceived as producing greater effectiveness, personal competence and productivity.

The advisory service provides individual counseling and seminars that deal with such subjects as coping as a single parent, finding and evaluating child care, and balancing a dual career or two-income relationship. The service also has an information and referral program which includes a national directory of child care organizations, family agencies and parent support groups.

Ms. Rizzo also described Citibank's alternative work schedule policies, which permit employees to choose three- or four-day work weeks, off-hour schedules, alternative starting times, part-time schedules or non-traditional workday schedules, e.g., from Wednesday through Sunday.

## The Middle-Size Company

Mr. Schlossberg discussed the parental leave policies at Murry's Steak Company, a 35-year-old, family-owned company with 1400 employees in thirteen states. "Our personnel philosophy is basically a 'people' philosophy which treats all employees fairly and equitably. The company ensures that employees know that they are an integral part of the success of the company," he said.

Three types of leaves are provided by Murry's: military leave, personal leave and sick and disability leave. The personal leaves, provided for a wide variety of reasons, are approved on an individual basis and are granted at the sole discretion of the company. In 1983, the company developed a uniform leave policy stipulating that all leaves are for a maximum of 120 days, with the starting date and the return date clearly established in advance of leave approval. Leaves begin after employees have used up sick and vacation pay. At the end of leaves, employees are not guaranteed their old jobs back. However, they are offered the most comparable job available on their return.

Mr. Schlossberg said he thought his company's policies were very similar to those at other companies and referred to a 1983 study by the Bureau of National Affairs which found that 86 percent of companies surveyed allow employees to return to work after temporary disability leaves.

Mr. Schlossberg reported that his company has no paternity leave policy and has never had a request for a paternity leave. "If we received such a request, it would be considered on an individual basis," he said, adding that he could see no reason for not honoring it.

From the employer's perspective, any kind of an absence presents a problem and a disruption in the work flow, stated Mr. Schlossberg. He urged that employees notify employers of leave needs as far in advance as possible, so that adequate plans can be made. If leave is to be mandated, said Mr. Schlossberg, the mandate should be at the Federal level, to ensure a uniform, evenly-administered policy. However, for him the essential question is: Who is going to pay for it?

## The Problems of Small Employers

Ms Haas reported on policies and attitudes in small businesses. In preparation for the Conference, she surveyed eleven companies with fewer than 150 employees, four of them with fewer than 25 employees, and four with from 25–100 employees. None of the companies had a formal policy, but most did have informal policies. More than half provided some paid leave for a brief period, usually less than three months. Paid leaves tended to be made through state insurance programs such as TDI. Most of the employers surveyed were not yet familiar with the term "parental leave" and did not know what it meant. Ms. Haas also found that small employers tended to provide leaves to employees with good performance records and to deny them to employees who had either missed work or not performed well.

Ms. Haas suggested that even those small companies which want to be flexible and accommodating to their employees have difficulty dealing with long periods of employee absence. In her view, companies sometimes have to do what is best for the company, not simply what is best for the employee. However, she said, many companies will do practically anything to accommodate and retain a valued employee.

Ms. Haas also reported on a hypothetical case study of the cost of parental leave to small employers. The study showed that temporary leaves are very expensive to employers due to the costs of replacement salaries, training, excess work absorption and the leave itself. She concluded with the same question posed by Mr. Schlossberg: "Who should pay?" While recognizing the concerns of women of childbearing age, she noted that the question is especially important with respect to small businesses, which can least afford to pay for parental leave benefits.

## Union Gains

Ms. Dolan discussed parental leave from the union point of view. Her union represents 675,000 employees, primarily in AT&T and the Bell operating companies, and is one of the fastest-growing unions in the United States, she reported. CWA also represents more than 80,000 public employees, including health and hospital personnel, licensed practical nurses, non-medical hospital professionals, social workers, speech pathologists and police.

Ms. Dolan reported that time off at the birth of a child used to be a simple issue; either a working woman did or did not receive a maternity leave. If she did receive a leave, it was usually without pay. But, as Ms. Dolan pointed out, attitudes toward pregnancy have changed, as have the needs of working women and Federal law. The result is a variety of leave policies. However, she noted, one fundamental problem remains: the lack of assurance that one's job will be there when one is ready to return to work. Unions, she said, are working to ensure job security provisions for those taking leaves at the birth or adoption of a child.

A substantial number of union contracts already include provisions for job-protected TDI, according to Ms. Dolan. A few also contain provisions for unpaid parental leave. She outlined the provisions contained for unpaid parental leave in several union contracts, including the child care leave which is available to approximately 200,000 New York City employees.

She also reported that the National Coalition of Labor Union Women (CLUW) has launched a year-long focus on work and the family and that the Child Care Committee of the New York City CLUW is developing a booklet, "Bargaining for Child Care: Contract Language for Union Parents." Scheduled to be published in late 1985, the booklet will include a compilation of language regarding TDI and parental leave contained in existing union contracts.

The essential question is:
Who is going to pay for it?

# Public Provision of Benefits

**Judith Avner**
*Assistant Director, New York State Division for Women*
**William Schwarz**
*Assistant Director of Disability Insurance, New Jersey Department of Labor*
**M. Lynne Kennedy**
*Co-Chairman, Federation of Junior Leagues of Canada, The Association of Junior Leagues, Inc.*

Each of the panelists provided details on some of the existing public programs which provide benefits to working parents. Ms. Avner discussed current and developing initiatives, focusing on three areas: 1) the treatment of maternity under the New York State Civil Service system 2) the TDI program in New York and 3) legislation pending before the New York State Assembly to fill in some of the gaps in the current programs.

She reported that even as early as 1957, New York civil service rules provided for a six-month maternity leave without pay. By 1973, there were three significant changes: 1) an amendment providing for a general leave of absence, not to exceed two years 2) a determination that sick leave could be used for pregnancy and child birth and 3) the establishment by the Civil Service Commission of a state policy providing an entitlement to a seven-month leave at the time of childbirth, with discretionary extension of the leave permitted up to one year. In 1982, as a result of a court challenge, this policy was extended to male employees as well. Thus, unionized civil service employees in New York State today are entitled to seven months of leave; non-unionized employees are eligible for a similar benefit.

## State Coverage

Ms. Avner stated that under New York's TDI law, all private employers of one or more employees must offer a minimum benefits package. The majority of New York's work force is covered under this law; it provides for a maximum benefit of $145 per week for which all employees must pay (the maximum payment is 60 cents per week). Employers pay the balance of costs for standard plans.

Ms. Avner identified the gaps in coverage that remain despite the existence of civil service law and the TDI program, e.g., the fact that in the private sector there are essentially no parental leaves, while in the public sector there are no job guarantees. She went on to discuss pending legislation addressing most of the gaps in coverage.

Mr. Schwarz described the New Jersey TDI program, which is similar to New York's. The New Jersey program dates back to 1948, but it only began to cover pregnancy in 1961, when pregnancy was classified as a compensable disability. By 1981 more than 16,000 women received benefits based on pregnancy. They represented approximately 13 percent of the state's disability claims. In 1981 the average number of weeks of leave for pregnancy claims was 11.1; the average benefit paid that year was $108 (in 1985 the benefit could range up to $189). There was a major jump in the number of pregnancy-awarded cases in 1980, which can be traced to the Pregnancy Discrimination Act.

New Jersey's TDI program is financed by contributions of half of one percent for the first $10,100 in annual earnings from both employers and employees. The program runs a surplus which is expected to continue, according to Mr. Schwarz.

## Coverage in Canada

Ms. Kennedy described parental leave policies in Canada, observing that the same demographic trends seen in the United States exist there. The majority of women of childbearing age in Canada now participate in the work force in full-time jobs and they return to work after they have children. Compared with other countries, she said, the Canadian treatment of pregnant women is not exemplary.

Canadian Federal legislation covers only about ten percent of the labor force and most employed women are under the jurisdiction of provincial codes; benefits under these provincial codes vary. In order to qualify for maternity leave, most provinces require a woman to have worked a minimum of twelve months for the same employer. The standard length of leave is seventeen weeks; in some provinces it is possible to extend this leave by another six weeks. Since 1971 maternity benefits have also been available in Canada through the Federal Unemployment Insurance system; this system covers approximately 91 percent of the labor force. However, the benefit is paid only for a limited period of time and replaces only 60 percent of a worker's previous earnings up to a maximum weekly benefit.

"The best that can be said about the current system in Canada is that some parents receive leave to care for their children and some women are paid partial compensation during that leave. However, the rules vary so much and are so complicated that a significant number of women get no help at all," said Ms. Kennedy.

# State Non-Occupational Disability Laws

*Pregnancy and childbirth covered the same as any other disability.*

**1985**

| | Permissible Plans | Employee/Employer Contributions | Benefit Duration & Benefit Levels[2] |
|---|---|---|---|
| **California**[1]<br>Unemployment Compensation Disability Benefits (UCD). Employment Development Dept. Sacramento, CA 95814 | **1** State Plan or<br>**2** Private Voluntary Plan may be insured or self-insured, but needs majority consent of employees to be set up. These plans must meet all State Plan requirements, and exceed at least one of the requirements. | Employee contributions consist of .9% of first $21,900 annual earnings.<br><br>No employer contributions are mandated; however, employers are permitted to make contributions on behalf of the employee. | Benefits are based on schedule using quarterly earnings figures. Maximum $224, minimum $50, 39-week benefit duration. |
| **Hawaii**[1]<br>Temporary Disability Insurance Law (TDI). Dept. of Labor and Industrial Relations. P.O. Box 3769, Honolulu, Hawaii 96812 | **1** No State Plan<br>**2** Private Plan may be insured or self-insured and must equal or exceed statutory requirements. No employee consent necessary. | Employees must contribute the lesser of ½ of 1% of statewide average weekly wage or ½ the cost subject to a maximum of $1.76 weekly.<br><br>Employers must pay the balance of costs incurred. | Benefits consist of 55% of average weekly wage rounded to next higher dollar, maximum $194. For average weekly wage less than $26, benefit equal to average weekly wage, with $14 maximum. |
| **New Jersey**[1]<br>Temporary Disability Benefits (TDI). Dept. of Labor and Industry. P.O. Box 825, Trenton, NJ 08625 | **1** State Plan or<br>**2** Private Plan may be insured or self-insured and must equal or exceed State Plan requirements. If plan is contributory, majority consent of employees is necessary. | For both employers and employees, the contribution level is ½ of 1% of first $10,100 annual earnings.<br><br>Employers who have contributed to the Fund during the three prior years are subject to "experience rating." Their contributions may vary from .1% to 1.1%. | Benefits consist of 66⅔% of average weekly earnings to next higher $1, maximum $185, minimum $10. |
| **New York**[1]<br>Disability Benefits Law (DBL). Workers' Compensation Board. 2 World Trade Center, New York, NY 10047 | **1** State Plan or<br>**2** Private Plan may be insured or self-insured and must equal or exceed State Plan requirements. No employee consent necessary. | Employee contributions are ½ of 1% of weekly wages, but not more than .60¢ per week.<br><br>Employers must pay the balance of costs for "standard" plans. | Benefits are 50% of average weekly earnings, maximum $145, minimum $20 or employee's average weekly wage, if less. |
| **Rhode Island**<br>Temporary Disability Insurance Benefits (TDI). Dept. of Labor, Bureau of Employment Security. 24 Mason Street, Providence, RI 02903 | **1** State Plan only: No Private Plans allowed, except where Private Plan is a supplement to the State Plan. | Employees contribute 1.2% of first $10,400 annual earnings. No employer contributions are mandated. | Benefit based on 55% of individual average weekly earnings: maximum $171, minimum $37; plus $5 per dependent child (up to age 18) up to $20. (This maximum is recomputed annually and is equal to 60% of the average weekly wage of all workers covered by TDI.) |

PLEASE NOTE: All programs cover employers of one or more employees. In some cases, exceptions are made for domestic employees or employers with payrolls under $1,000.

Benefits for Puerto Rico not shown.

[1]Recipients of unemployment benefits can intermit or obtain additional protection if they become disabled while employed.

[2]Benefits begin on 8th day for disabilities due to accidents and on 8th day for disabilities due to sickness with a 26-week maximum duration for all states except California. Benefits are tax-free.

SOURCE: Johnson & Higgins, *Comparative Analysis of Non-occupational Disability Laws*, updated to 1985.

# The Catalyst Study

**Phyllis Silverman, Ph.D.**
*Vice President, Career and Family Programs, Catalyst*

Dr. Silverman reported on a recent survey Catalyst made of Fortune 1500 companies to determine their policies, practices and attitudes on maternity/parental leave. Catalyst is a national organization that works with corporations and individuals to develop career and family options.

The study, conducted by Dr. Silverman, followed up on an earlier survey by Catalyst of Fortune 1300 companies' policies addressing the needs of working parents. Three hundred eighty-four companies responded to the recent survey. In line with Catalyst's emphasis on practical application of studies, the results are being incorporated into a manual to help companies evaluate and develop their own policies.

## Companies Want Information

The only incentive for responding to the ten-page survey was the promise that Catalyst would share results with participants. The response to the survey was 28.7 percent. Dr. Silverman said that parental leave is not an easy issue for any company, not even large companies, to address; all want, and need, information about parental leave policies. Included in the responses received were statements such as: "This is our policy at present. We know it is inadequate; we hope to use your study to further develop our policies in this area."

The survey questionnaire covered three major areas: company policies, actual practices and company attitudes. A second component of the study consisted of 21 interviews with human resource planners and policymakers, and fifteen discussion groups for employees.

The discussion groups included managerial and non-managerial women and were conducted in eight cities around the United States. They consisted of 112 women who have taken leave plus six new fathers. Participants were asked to brainstorm about what kind of parental leaves they would like if there were no company policy restrictions. They responded with the following information:

1) Employees do not necessarily want longer leaves; the average amount of leave desired was three months. Those whose companies gave them only six to eight weeks leave reported problems making the transition back to work, including fatigue, lack of productivity and a general unreadiness to leave their babies.

2) Managerial women often miss their work while on leave. Most do some work at home, ranging from daily phone calls to 30-page reports.

3) Quality child care is critical to a successful return to work. Employees who feel comfortable with their child care arrangements can concentrate and work productively. However, most found their child care strictly through trial-and-error and did not feel secure about its continuation.

Dr. Silverman found that while at home, many new mothers missed the feeling of competency they had had at their jobs. Managers were also concerned about their professional standing. When asked what they would most like to change about their leaves, new mothers requested a more gradual transition to the workplace rather than additional time. Specifically, they requested more part-time or flexible time. Many stated they would like to work three or four days a week, or even a five-day week of five hours a day. Examining company policies, Dr. Silverman found that 60 percent of the employers had given some but not all of their employees the right to return on a part-time basis for a limited time. She reported that this did not seem to be a hardship to most of the large companies surveyed, particularly if the time were limited to three to six months.

Dr. Silverman emphasized that Catalyst's findings will be more fully examined and reported in a final published version. A preliminary report is now available.

**Many new mothers want a more gradual transition back to work.**

# Legal Issues

**Wendy Williams**
*Associate Professor, Georgetown University Law Center*
**Shauna Marshall**
*Staff Attorney, Equal Rights Advocates*

Both Professor Williams and Ms. Marshall agreed that the best policy for parents would be one that provides temporary disability insurance coverage for pregnancy/childbirth and offers parental leave on a gender-neutral basis. Such a policy would afford mothers an opportunity to recuperate after childbirth and allow both parents the opportunity to spend some time with their new infants.

## The Pregnancy Discrimination Act

In outlining her support for such a policy, Professor Williams pointed out that the Pregnancy Discrimination Act (PDA) of 1978 stipulates that pregnant workers are to be treated in the same manner as an employer's other workers. If a pregnant woman is able to work, she cannot be laid off or fired. When she cannot work because of pregnancy or childbirth, she is entitled to receive whatever benefits the employer accords to other employees who cannot work because of physical disability.

However, the PDA has limitations. It is an anti-discriminatory statute that simply states that an employer cannot discriminate against pregnant employees when granting temporary disability insurance. It does not provide any benefits. Employers who do not provide temporary disability insurance for other employees do not have to provide coverage for pregnancy or childbirth. Furthermore, the PDA only covers employers with fifteen or more employees.

Something more is needed to help parents, said Professor Williams. For this reason, lawyers have developed a two-part approach which considers pregnancy and childbirth as physical conditions that can be covered under temporary disability, and parenting and child care as gender-neutral responsibilities. As Professor Williams pointed out, Title VII of the Civil Rights Act prohibits sex discrimination; therefore, employers cannot offer a parental leave solely to mothers.

The development of this approach is based on legal activities surrounding pregnancy and childbirth since the early 1970's. For all practical purposes, employers until that time were free to fashion whatever policies they chose concerning pregnancy, childbirth and parental leave. Often they terminated the employment of pregnant women or placed them on mandatory unpaid leave as soon as the pregnancy became visible.

Fringe benefits such as health insurance, sick leave and disability insurance were either unavailable to pregnant women or available only on a limited basis. In the 1970's, for example, four of the five states with mandatory temporary disability insurance programs imposed limits on the length of time for which benefits could be paid for pregnancy. These limits were eliminated after the PDA was passed. Seniority acquired before maternity leaves was often cancelled, and unemployment insurance was unavailable for women who lost their jobs because of pregnancy.

This treatment of pregnant women has changed substantially due in large part to litigation under the Equal Protection Clause of the United States Constitution and Title VII of the Civil Rights Act of 1964. Both the Equal Protection Clause and Title VII are nondiscrimination provisions which can be used to challenge sex discrimination. The Equal Protection Clause applies to states; Title VII, to public and private employers (including states). To prevail under these provisions, it was—and is—necessary to argue that a law, rule or practice treats men and women differently without justification.

## New Protections for Pregnant Women

Based on these laws, women went to court in large numbers, arguing that discrimination based on pregnancy was sex discrimination and that, in the various contexts in which they sought legal relief, pregnancy was analogous to other physical conditions and should be treated like them. Women argued that they should not be forced to take leave before they were physically disabled, when other persons with potentially disabling conditions were not forced to leave their jobs. In addition, they stressed that when they were unable to work because of pregnancy and childbirth, they should be entitled to sick leave and disability benefits on the same basis as others unable to work because of physical conditions. They also advocated that health insurance for the medical costs of pregnancy should be available to them to the same extent that it was available for other medical costs.

Women further argued that it was illegal for them to lose seniority rights because of pregnancy, when others who took leaves did not suffer seniority loss. During the 1970's, a few men also went to court arguing that if employers permitted a woman to take time off to care for an infant (as distinguished from recovery from childbirth) men should be permitted to take leaves for the same purpose.

The arguments that pregnancy and childbirth are medical conditions that can create disability and that parental leave must be extended to men were generally successful in the lower Federal courts. But in 1974, the Supreme Court held that discrimination on the basis of pregnancy wasn't sex discrimination under the Equal Protection Clause. In 1976, in the case of *General Electric Company v. Gilbert*, the Court extended that ruling to Title VII. While only the Court itself can undo one of its rulings under the Equal Protection Clause (short of a constitutional amendment), Congress can amend Federal legislation to overturn a court's interpretation of a Federal statute. Congress did just that in 1978, when it passed the Pregnancy Discrimination Amendment to Title VII, rejecting the Supreme Court's *Gilbert* ruling and stipulating that pregnancy and childbirth should be treated in the same manner as all other temporary disabilities.

While the PDA has extended paid benefits to many women, it has also caused a loss of leave for some women because some employers have cut down on the amount of leave they provide. As Professor Williams explained it, "The PDA put money in women's pockets, but cut down on the time they were allowed to have with their children."

## Different Strategies

While they agree on goals, Professor Williams and Ms. Marshall have disagreed on strategies, particularly in the California case of *California Federal Savings and Loan Association et.al. v. Guerra* regarding temporary disability. In that case, a Federal judge ruled that a California statute allowing an unpaid, four-month, job-protected leave for disability related to pregnancy and childbirth violated the PDA because no other employees were granted job-protected disability leaves. Ironically, because the PDA only applies to employers with fifteen or more employees, the court ruling has created a situation in California in which female employees with firms of five to fourteen workers are entitled to the job-protected temporary disability leave while those in larger companies are not. (The California law exempts companies with fewer than five employees.)

Professor Williams and a number of national women's organizations, including the National Women's Law Center, whose managing attorney, Nancy Duff Campbell, moderated the panel, filed an *amicus curiae* brief arguing that the disability leave should be extended to all workers to remove any conflict with Title VII and, at the same time, to maintain the benefits afforded by the California law. Fearing that the judge in the appeals court would strike down the law rather than extend it, Equal Rights Advocates filed an *amicus curiae* brief supporting the state of California's appeal which is now before the Ninth Circuit Federal Court of Appeals.*

Equal Rights Advocates support the existing law because they found that their clients, mostly low-income minority women, need the protection afforded by the law, and ERA lawyers have not "seen any negative effects," according to Ms. Marshall. But, she said, "We do worry about them." She attributed the apparent absence of negative effects to the fact that California already has mandatory TDI. "Employers are used to the statute," said Ms. Marshall, adding that "for many of our clients, the job-guarantee provision of the disability clause is the difference between being self-sufficient and going on AFDC (Aid to Families with Dependent Children)."

Both lawyers concurred, however, that when one group is singled out for special treatment, there is danger of a backlash against the specially-protected group. In the face of the California lawsuit brought by an employer to invalidate California's law, Equal Rights Advocates concluded that the best way to preserve the law's benefits was to argue that it was consistent with Title VII and should be upheld. The women's groups which argued for extension of benefits to all workers believe that the conflict between the state law and Title VII makes the extension argument the only hope for retaining the law's benefits.

**The best policy for parents would be to provide TDI for pregnancy/childbirth and parental leave on a gender-neutral basis.**

*On April 16, 1985, the Ninth Circuit Federal Court of Appeals upheld the California statute requiring an unpaid, 4-month job-protected leave for pregnancy- and childbirth-related disabilities.

# Proposed Federal Legislation

**Sherry Cassedy**
*Counsel, Congressional Caucus for Women's Issues*
**Donna Lenhoff**
*Associate Director for Legal Policy and Programs, Women's Legal Defense Fund*

Ms. Cassedy urged advocates to decide which objectives—educating the public about the broad issue of parental leave or pushing for legislation in the 99th Congress—they wish to pursue before they select strategies for action. For example, she said, if an assessment of the political climate indicates that there is little likelihood of Congressional action during the 99th session, advocates should educate the public about "an ideal policy." But if legislation seems attainable, "we should put forward a defensible minimum requirement with the understanding that this will be cut back in the legislative process."

In the 98th Congress, women's issues had a favorable, moderate spotlight, according to Ms. Cassedy. A very different political climate exists in the 99th Congress, where women's issues will be examined under a much harsher light, she said. At the same time, "even in the prevailing conservative climate on Capitol Hill, the issue of parental leave could be very popular," predicted Ms. Cassedy, although the legislation itself may not be popular.

While Congress is receptive to issues pertaining to women and the family, labor issues have less appeal, she said. TDI is considered a labor issue, she noted, while parental leave is considered a women's and/or family issue. For this reason, she believes it will be more difficult to obtain Congressional approval of legislation related to TDI than to parental leave.

## Assessing Congressional Support

Ms. Cassedy outlined three possible means of achieving a national policy of leaves for parents: 1) a national TDI program 2) tax incentives for employers and 3) a minimum Federal labor standard. She is concerned that at this time, a national TDI program is "pie in the sky" because it is similar to many other Federal programs now under attack. Tax incentives would be more palatable to employers, she said, but because tax reform eliminating special incentives is under consideration in Washington, and there is uncertainty about what such incentives would cost, this approach may also be infeasible. A minimum Federal labor standard mandating unpaid, job-protected, temporary disability leave would also be a big step, because the tradition in the United States has been to leave employers "free to manage," she said.

Ms. Lenhoff outlined proposed legislation which would establish a minimum labor standard mandating job-guaranteed, non-occupational temporary disability leaves and job-guaranteed parental leaves for the care of newborn, newly-adopted and seriously-ill children. Drafted by the Women's Legal Defense Fund after consultation with a number of women's organizations and unions, the legislation also includes a section which would establish a job-protected dependent care leave.

These proposed leaves would be unpaid. However, the draft legislation calls for the establishment of a commission to do a comprehensive study of existing and proposed systems which provide full or partial salary replacement or other income protection during periods of non-occupational temporary disability leave, parental leave and dependent care leave. The commission would be required within two years of the enactment of the proposal to submit legislation to Congress to implement a system of paid leave for temporary disabilities.

In a discussion following this session, a strong consensus developed concerning the importance of providing paid temporary disability leaves. It was agreed that low-income employees simply cannot afford to stay away from work unless they receive some type of income replacement during a leave.

---

The discussion led to a revision in the proposed legislation. Following the Conference, Judith Lichtman, Executive Director of the Women's Legal Defense Fund, sent a letter to Congress, which included the following:

*As you know, we and all of the people we consulted with feel strongly that providing income protection—both for women temporarily disabled by pregnancy and childbirth-related medical conditions and for others temporarily disabled by other medical conditions—is the most important step that Congress should take in this area. We will only be satisfied with legislation mandating unpaid leave if a specific commitment and a mechanism to move forward on paid leave are also legislated.*

On April 4, 1985, Representative Patricia Schroeder (D-CO), co-chair of the Congressional Caucus for Women's Issues, introduced HR 2020, the Parental and Disability Leave Act of 1985, which would provide job-protected leaves for temporary disability and job-protected parental leaves for the care of newborn, newly-adopted or seriously ill children. HR 2020 also includes a section calling for the establishment of a commission to explore mechanisms for paying for the leaves.

# Agenda for Action

The following policy statement was adopted by the Conference participants:

Employees should have the right:

- to paid job-protected leaves with continuation of existing health benefits for temporary, non-occupational disabilities including those that are pregnancy- and childbirth-related;
- to elect a job-protected leave of absence for parenting.

Methods to fund parenting leaves should be explored.

## Rationale

In view of the increasing portion of the American labor force trying to work productively while raising families, we support a national policy for all parents in the labor force that includes income protection, job security and leaves of absence at, or immediately following, childbirth.

Both mothers and fathers should be eligible for appropriate provisions of any implemented program. This policy should also offer flexibility to both employees and employers.

The Pregnancy Discrimination Act provides a beginning by requiring a pregnancy-related disability to be treated as a medical disability. However, there is no requirement that employers must provide temporary disability coverage, and therefore there is no assurance that working mothers will receive such benefits at the time of pregnancy and/or childbirth.

Furthermore, the time generally provided for disability is not sufficient for many parents to launch their families. Therefore, it is vital that a parenting leave be offered which is distinct from pregnancy-related disability. Such leave should be available to both mothers and fathers and cover both birth parents and adoptive parents.

## Strategies

Federal legislation should be introduced which encompasses this policy statement. Efforts should be made simultaneously to extend TDI coverage to other states.

Model private and public sector programs should be identified and information about these programs should be widely disseminated.

Research should be continued or initiated on such issues as:

- The extent to which women on disability leave have job protection
- The costs of TDI programs
- The legal ramifications of TDI and parental leave
- Feasible methods of funding TDI and parental leave (e.g., incentives to business, tax on employers/employees)
- Utilization of TDI for pregnancy/childbirth
- Utilization of unpaid leaves
- Ways in which employers provide disability and/or parental leave coverage.

The corporate sector and labor should be consulted to encourage their support for proposed policies.

Coalitions supporting passage of TDI and parental leave policies should be organized in both the public and private sectors (e.g., business, labor, women's groups, community-based child advocacy organizations).

In order to educate employers about the importance of parental leave policies, information should be provided to them about trends regarding women in the work force.

A public information and education campaign should be developed regarding the issue of TDI and parental leave.

# List of Participants

**Diana Aviv**
Director of Programs
National Council of Jewish Women

**Judith Avner**
Assistant Director
New York State Division for Women

**Helen Blank**
Director
Family and Child Care Support Services
Children's Defense Fund

**T. Berry Brazelton, M.D.**
Associate Professor of Pediatrics
Harvard Medical School

**Cynthia Brubaker**
Chairman
Public Policy Committee
The Association of Junior Leagues, Inc.

**Theo Bucci**
Member, Area II Council
The Association of Junior Leagues, Inc.

**Nancy Duff Campbell**
Managing Attorney
National Women's Law Center

**Sherry Cassedy**
Counsel
Congressional Caucus for Women's Issues

**Carla Curtis**
Public Policy Analyst
National Black Child Development Institute

**Anne Dalton**
Public Affairs Coordinator
The Association of Junior Leagues, Inc.

**Donna Dolan**
Director of Civil Service Division
Communications Workers of America

**Lois Elias**
Media Specialist
The Association of Junior Leagues, Inc.

**Anne Ellis**
Member, Area I Council
The Association of Junior Leagues, Inc.

**Margaret McG. Filstrup**
Member, Area V Council
The Association of Junior Leagues, Inc.

**Meryl Frank**
Director
Yale Bush Infant Care Leave Project
Yale University

**Dana Friedman**
Senior Research Fellow
The Conference Board, Inc.

**Judith Gibson**
Board Member
Women's Equity Action League

**Barbara Haas**
President
Pension Parameters

**George Haskett**
Public Policy Analyst
The Association of Junior Leagues, Inc.

**Karen Hendricks**
Program Associate
The National Assembly of National Voluntary Health and Social Welfare Organizations, Inc.

**Karen P. Hyde**
Member, Area VI Council
The Association of Junior Leagues, Inc.

**Cindy Johnson**
Directory Assistance Operator
New York Telephone Company

**Alfred J. Kahn**
Professor of Social Policy and Planning
Columbia University School of Social Work

**Sheila B. Kamerman**
Professor of Social Policy and Planning
Columbia University School of Social Work

**Barbara Kelley**
Member
Public Policy Committee
The Association of Junior Leagues, Inc.

**M. Lynne Kennedy**
Co-Chairman
Federation of Junior Leagues of Canada
The Association of Junior Leagues, Inc.

**Marjorie Kopp**
Day Care Specialist
Child Welfare League of America, Inc.

**Joan Krupa**
Member
Public Policy Committee
The Association of Junior Leagues, Inc.

**Donna Lenhoff**
Associate Director for Legal Policy and Programs
Women's Legal Defense Fund

**Mary Lubertozzi**
Manager, Area IV
The Association of Junior Leagues, Inc.

**Shauna Marshall**
Staff Attorney
Equal Rights Advocates

**Patricia Mason**
Member, Area III Council
The Association of Junior Leagues, Inc.

**Sally Orr**
Director of Public Policy
The Association of Junior Leagues, Inc.

**Joseph H. Pleck**
Director
Male Roles Program
Wellesley College Center for Research on Women

**Nancy Reardon**
Manager
Corporate Human Resources
Avon Products, Inc.

**Susan Rizzo**
Assistant Vice President
Personnel Policy Development
Citicorp

**Barry Schlossberg**
Director of Personnel
Murry's Steak Company

**William Schwarz**
Assistant Director of Disability Insurance
New Jersey Department of Labor

**Deborah Seidel**
Executive Director
The Association of Junior Leagues Inc.

**Phyllis Silverman**
Vice President
Career and Family Programs
Catalyst

**Tricia Smith**
Director of Public Policy
American Association of University Women

**Betsey Steeger**
Publications Editor
The Association of Junior Leagues, Inc.

**Eleanor Szanton**
Executive Director
National Center for Clinical Infant Programs

**Wendy Williams**
Associate Professor
Georgetown University Law Center

**Edward F. Zigler**
Director
Yale Bush Center in Child Development and Social Policy
Yale University